

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

IAN SHOWALTER,

Plaintiff,

vs.

APARTMENT MANAGEMENT
CONSULTANTS, L.L.C., a Utah Limited
Liability Company, and SAM CARTER,

Defendants.

No.

**NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. § 1331 and 1441**

Clark County Superior Court Case No. 23-2-
03101-06

TO: THE CLERK OF THE COURT;

AND TO: ALL PARTIES OF RECORD AND THEIR COUNSEL.

PLEASE TAKE NOTICE that Defendant Apartment Management Consultants, LLC and Sam Carter (collectively “Defendants”) hereby gives notice of the removal of the above-captioned action, Cause No. 23-2-03101-06, currently pending in the Superior Court of Clark County, Washington, to the United States District Court for the Western District of Washington at Tacoma on the grounds set forth below:

I. STATE COURT ACTION

Plaintiff filed a complaint in Clark County Superior Court alleging claims of discrimination under the Americans with Disabilities Act (ADA) and Washington Law Against Discrimination

(WLAD) on November 14, 2023. The Complaint was served on November 30, 2023. A true and correct copy of the Summons and Complaint filed in Clark County Superior Court Case No, 23-2-03101 is attached as Exhibit A.

II. TIME FOR REMOVAL

This Notice of Removal is timely under 28 USC §1446(b)(1) as it is being filed within thirty days after service of the Complaint.

III. GROUNDS FOR REMOVAL

Removal is proper pursuant to 28 USC § 1331 and 1441(a) and (c)(1) because Plaintiff asserts claims under the discrimination, harassment, and retaliation under the Americans with Disabilities Act (ADA), which are claims that arise under the laws of the United States. *See* Exhibit A. This Court also has supplemental jurisdiction over Plaintiffs' state law claim because it is so related to the federal claims that it forms part of the same cause or controversy. 28 U.S.C. § 1367. The federal and state-law claims are based on the same alleged set of facts. Plaintiffs' claims do not raise novel or complex issues of state law, and Plaintiffs' claim that does not have a federal statutory basis does not substantially predominate over Plaintiffs' federal claims.

IV. REQUIRED DOCUMENTS

In accordance with 28 USC §1446 and LCR 101(b)(1), a copy of the Complaint is attached and filed herewith as Exhibit A.

AMC will promptly give written notice to all adverse parties. 28 USC §1446(d). And opposing counsel is listed below and is being served with a copy of this Notice as set forth in the Declaration of Service below in accordance with LCR 101(b)(2).

Dated December 21, 2023.

LEWIS BRISBOIS BISGAARD & SMITH LLP

s/ Benjamin J. Stone

Benjamin J. Stone, WSBA #33436

s/ Kylene Slocum

Kylene Slocum, WSBA #58600

1111 Third Avenue, Suite 2700

1 Seattle, Washington 98101
2 (206) 436-2020 / (206) 436-2030 Fax
3 Benjamin.Stone@lewisbrisbois.com
4 Kylene.Slocum@lewisbrisbois.com
5 Attorneys for Defendants
6 APARTMENT MANAGEMENT CONSULTANTS,
7 L.L.C., and SAM CARTER
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CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record.

Joseph J. Wagner, WSBA #57027
JOSEPH WAGNER LAW OFFICE
1220 Main Street, Ste. 400
Vancouver, Washington 98660
(360) 597-4173
joseph@jwagner.legal

Dated December 21, 2023 at Seattle, Washington.

s/ Janelle Bighinatti

Janelle Bighinatti, Legal Secretary
Janelle.Bighinatti@lewisbrisbois.com